

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Thursday, January 12, 2017 at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2644

A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-94-82 RELATING TO ZONING DESIGNATION IN HANĀMA'ULU, KAUAI (*Amfac Property Development Corp.*) (ZA-2017-1)

This Bill proposes to amend Ordinance No. PM-94-82, relating to the zoning designation of property located in Hanamā'ulu, Kaua'i, by amending Condition No. 7, relating to affordable housing units.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the proposed Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2644 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 14, 2016, by the following vote:

AYES:	Brun, Chock, Kagawa, Kaneshiro, Kawakami,	
	Yukimura, Rapozo	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
December 15, 2016

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAI'I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – December 22, 2016)

**A BILL FOR AN ORDINANCE
AMENDING ZONING CONDITION IN ORDINANCE NO. PM-94-82
RELATING TO ZONING DESIGNATION IN HANĀMA'ULU, KAUA'I**

(Amfac Property Development Corp.) (ZA-2017-1)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Ordinance No. PM-94-82 is hereby amended by amending Condition No. 7 to read as follows:

["7. As represented by applicant, 16 improved lots in the first phase shall be conveyed to the County at cost minus 10%, and applicant shall carry the development charges for a period of one (1) year, commencing from the date of final approval of the subdivision map. This condition shall not, however, constitute a waiver of the park dedication fee requirements. In the event the 16 lots are not made ready for construction by the developer within one (1) year from the date of final approval of the subdivision map, the developer will carry the development costs for the period necessary to make the lots ready for construction. The developer agrees to this condition subject to the following:

a. The County's parcels are to be scattered throughout the entire first phase in order to maintain uniformity and cohesiveness within the subdivision. At the time of subdivision approval, the applicant and Housing Administrator shall mutually agree upon and designate 16 typical and scattered lots. The developer shall make available all lots within the first phase for the County's lot selection prior to selling or reserving such lots to any other person.

b. Determination of costs shall be made prior to final subdivision approval, and shall be mutually agreed upon by the applicant and Housing Administrator. Applicant shall make available to the Housing Administrator all information necessary to verify cost. Cost shall include the following:

1. Raw Land Cost;
2. Subdivision improvements;
3. Bonding;
4. Contingency fund;
5. Engineering/survey fee;
6. Developer's accounting fee;
7. Appraisal fee;
8. Inspection fee;
9. Title Insurance;
10. Financing points and construction Interest for one (1) year only;
11. Ten (10 subdivision maps only.

c. The County and the developer will execute an agreement and a promissory note which will be in effect for a period of one (1) year, commencing from the date of final approval of the subdivision map or any extension as may be mutually agreed upon. An extension shall be granted if the 16 lots are not available for construction within said one (1) year period. The face value of the promissory note is to be cost of the 16 improved lots minus 10% which is to be due in full twelve (12) months after final approval of the subdivision map or a building permit is obtainable, whichever is later. A late charge will be assessed the County; the late charge rate will be one percent (1%) of the balance remaining on the note's face value per month until the note is fully satisfied. The County shall purchase the 16 improved lots within three (3) years from final subdivision approval or within three (3) years from when a building permit is obtainable, whichever is later.

d. For the County's 16 lots, the following fees and assessments are to be waived:

1. Subdivision application fees and any Other related fees.
2. Park dedication fees.
3. Real property tax.
4. Water Facilities Reserve charge, upon approval by the Board of Water Supply.
5. In addition, the County Housing Administrator shall establish the County's own restrictive covenants for the County's 16 lots.

Any fees or assessments that are not waived for the County's 16 lots will be assumed by the County.

e. The County will administer the sale of the 16 lots and the County will pay for and be responsible for its own administrative costs for such sales including but not limited to attorney's fees, engineering fees and public housing assistance.

f. The Housing Administrator and applicant shall mutually agree upon the external appearance of the County's 16 dwellings.]

7. As represented by the developer, in lieu of the sale and conveyance of 16 improved lots to the County, the developer (D.R. Horton) shall develop and sell 32 completed duplex affordable housing units in the first development phase of Koheā Loa, described as Ho'oluana (Phase 4), on designated lots, as per the Ho'oluana at Koheā Loa Subdivision Map attached hereto as Exhibit A.

a. The 32 duplex affordable housing units shall be 3-bedroom 2.5-bath units and offered for sale to Kaua'i households with incomes up to 140% of the Kaua'i median household income, as established by HUD.

b. Development, marketing, and sale of the 32 duplex affordable housing units shall be done concurrent with the market units in Ho'oluana (Phase 4) and shall be subject to and in accordance with the terms of the Housing Policy for the County, Chapter 7A of the Kaua'i County Code 1987, as amended, and as modified by the Affordable Housing Agreement (Līhu'e-Hanamā'ulu Master Plan Area) dated June 8, 2008, as amended, by and between the developer and the County, including Section 2.a of said agreement respecting housing credits to be earned by the developer for each affordable housing unit.

c. For the 32 duplex affordable lots, the following fees and assessments are to be waived:

1. Sewer connection fees.
2. Water Facilities Reserve charge, upon approval by the Board of Water Supply."

SECTION 2. Ordinance material to be repealed is bracketed. New Ordinance material is underscored.

SECTION 3. If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance, and to this end, the provisions of this ordinance are severable.

SECTION 4. This Amendment to Ordinance No. PM-94-82 shall take effect upon its approval.

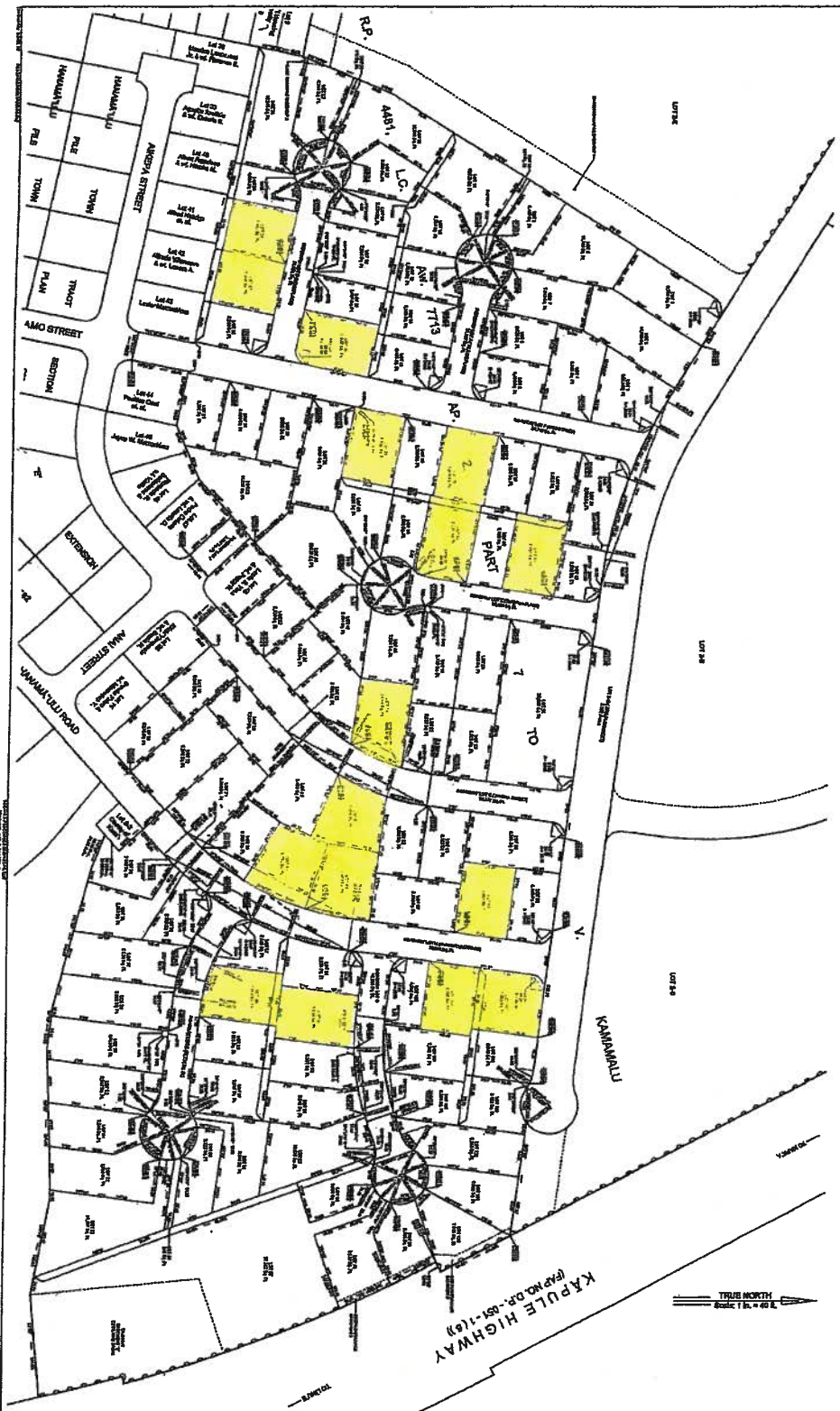
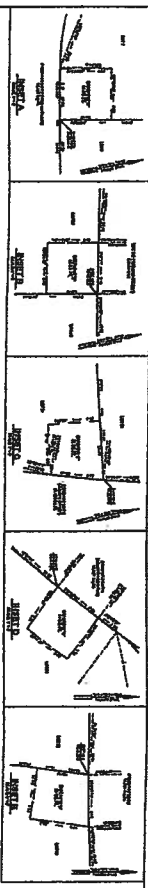
Introduced by: /s/ MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

December 14, 2016

Līhu'e, Kaua'i, Hawai'i

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TO OLIANA AT KOHEA LOT SUBDIVISION
 Land Granted by the State of Hawaii, 1900.
 Subdivided by the State of Hawaii, 1900.
 Surveyed by the State of Hawaii, 1900.
 Recorded in the Office of the Registrar of Land, 1900.
 Volume 1, Page 1.

APPLICANT: THE HAWAIIAN LAND COMPANY, LTD.
REGISTERED: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.

APPROVED: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.
RECORDING: THE HAWAIIAN LAND COMPANY, LTD.

EXHIBIT A

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2644, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 14, 2016, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
December 15, 2016



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i